



Patent
Attorney Docket: 032,290-112
(formerly END 897DIV2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

S. Foerster et al.

Serial No.: 10/734,671

Filed: December 12, 2003

For: **METHODS AND DEVICES FOR
DEFINING AND MARKING TISSUE**

Group Art Unit: 3736

Examiner: Anuradha Roy

**PETITION UNDER 37 C.F.R. §1.78(A)(3) FOR
ACCEPTANCE OF CLAIM OF PRIORITY**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions for acceptance of a claim of priority that is being presented in the above-referenced non-provisional application after the time period provided by paragraph 37 C.F.R. § 1.78(a)(2)(ii). A claim of priority, amendment adding the relate-back statement in the specification, and a request for corrected filing receipt is filed herewith. The entire delay between the date that the claim was due (April 12, 2004) and the date that the claim is being filed was unintentional.

As seen in the amendment filed herewith, the claim of priority is as follows:

CERTIFICATE OF MAILING (37 C.F.R. §1.8)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as First Class Mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, Alexandria, VA 22313-1450.

January 25, 2006
Date of Deposit
NB1:674058.1

Cynthia B. Pacheco
Cynthia B. Pacheco

02/01/2006 RHEBRIGHT 000010147 502862 10734671
01 FC:1454 1370.00 DA

-- This is a continuation of U.S. Application Serial Number 10/213,638, filed August 7, 2002, which is a continuation of U.S. Application Serial No. 09/954,646, filed September 18, 2001, which is a continuation of U.S. Application Serial No. 09/776,125, filed February 2, 2001, which is a continuation of U.S. Application Serial No. 08/858,389, filed May 19, 1997, now U.S. Patent No. 6,228,055, which is a continuation of U.S. Application Serial No. 08/308,097, filed September 16, 1994, now abandoned. --

The Commissioner is hereby authorized to charge the petition fee (\$1,370.00) and any additional fees that may be required to Deposit Account No. 50-2862.

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: January 25, 2006

By: Diane K. Wong
Diane K. Wong
Reg. No. 54,550
Attorneys for Applicants

DKW/cp

O'Melveny & Myers LLP
610 Newport Center Drive, 17th Floor
Newport Beach, CA 92660-6429
(949) 760-9600